
Attachment II

District's SLD Appeal (including supplemental response)

May 3, 2005

Letter of Appeal
Schools and Libraries Division
80 South Jefferson Road
Whippany, NJ 07981

Reference:

Applicant Name:	Poughkeepsie City School District
Entity Number:	124259
Form 471 Application Numbers:	434624, 434629, 434655
Selective Review:	SR-2004-124259

E-Rate Administrators:

After a FY 2004 Selective Review, Poughkeepsie's three applications were denied by the SLD for the stated reason that "During application review, you were asked to demonstrate that when you filed your Form 471 you had secured access to the funds needed to pay your portion of the charges, and you were unable to do so."

Poughkeepsie's initial response to the Selective Review clearly demonstrated that it had sufficient budget to cover all required resources. Specifically, in its Item 25 Worksheet, Poughkeepsie calculated its Total E-Rate Initiative for FY 2004 at \$867,753 — less than 1.5% of the district's total budget for 2004-2005. The Selective Review response also included a list of specific line item accounts in the district's budget covering these E-rate expenses. This list, presented in Table 3, totaled \$1,762,411 — more than twice the Item 25 Worksheet requirement.

Based on information provided, we find it inconceivable that the SLD could conclude that Poughkeepsie had not secured sufficient access to funds.

In a separate letter dated concurrently with the FCDL of March 24, 2005, however, the SLD indicated that "Since you did not respond to our repeated requests for further information, we were unable to determine that you secured access to the resources listed below." The letter went on to list all the normal Item 25 resources.

The quoted sentence suggests that the real reason for the SLD's denial of Poughkeepsie's FY 2004 applications was a communications failure. The remainder of this appeal addresses this issue.

Letter of Appeal
Page 2
May 3, 2005

According to our records, the last request for information we received from the Selective Review team was dated January 12, 2005. An extensive, 13-page, response to this request was faxed to the SLD on February 2, 2005. A copy of this response — **together with a fax confirmation sheet indicating that the fax was successfully transmitted to the SLD** — is attached hereto.

If this is the information request to which the SLD's letter refers, we ask that our fax confirmation be taken as evidence of a response and that Poughkeepsie's applications be reopened for review.

As an aside, we would note that our records show no additional requests for information beyond January 12, 2005, or, in any case, that any "repeated" requests were ignored. If the January 12th request and February 2nd response are not the issue, we ask that the SLD to: (a) provide a copy of the subsequent request; (b) confirm that repeated requests were made; and (c) confirm that the state coordinator was properly notified of a failure to respond.

Thank you for your consideration.

Sincerely,

Winston E. Himsworth
whimsworth@e-ratecentral.com
On behalf of Poughkeepsie City School District

Attachments: 1. Supplementary Selective Review response dated February 2, 2005
2. Fax confirmation sheet for the above.

Fax

To: Yelen Seryakova **From:** Winston E. Himsworth

SLD: PIA

E-Rate Central

Fax: 973-599-6576

Fax: 516-832-2877

Phone: 973-581-6715

Phone: 516-832-2881

Date: 2/2/2005

Pages: 13

Subject: Poughkeepsie SR-2004-124259

Yelen,

Attached is a response to your additional Selective Review questions of January 12.

I believe that much of the information you requested had been previously provided in one form or another in either the Item 21 Attachments or in the original SR response — but perhaps not in the clearest format.

I am not resending that material, but have attempted to clarify it in this response. The other information you requested is included in this narrative and attachments.

Please call me if you need additional information or clarification.

Note:

For FY 2004, Poughkeepsie filed a separate form 471 (#434629) for NEC Business Network Solutions. I have been unable to get clarification from the FCC as to the status of NEC's suspension from the E-rate program due to problems involving one of NEC's other subsidiaries in California. If this issue is impeding resolution of the Selective Review or approval of Poughkeepsie's other applications, I am prepared to recommend to Poughkeepsie that it cancel the NEC application.

Poughkeepsie City School District
E-Rate Selective Review Follow Up Response
FY 2004 — Case # SR-2004-124259

Follow Up Questions Dated January 12, 2005

1) Professional Development

Professional development for technology use and curriculum integration is supported in several ways within the district.

Two major grants have been used to support professional development broadly. The district has just completed a three year Comprehensive School Reform Demonstration program with the Ventures program, a scientifically based educational reform program endorsed by state and federal departments of education. It has also completed the first year of a three-year federally funded Arts in Education grant devoted to teacher training for infusing arts into the core curriculum as a way to improve teaching and student learning.

To support the No Child Left Behind, the district has purchased and installed Math, Science, English, and Social Studies drill-and-practice software in several schools. The teachers involved in this program are in constant training in using the software. In particular, the district has recruited one consultant whose primary responsibility is to work with teachers, in a variety of settings, to integrate the software in their curricula. Additionally, in order to better communicate the students' progress, a Web site developer consultant has been recruited to develop the necessary tracking content.

Teacher training in technology is provided by the Technology Director and through peer-level instruction using teachers as Turn-key Trainers. These teachers are primarily working in the classroom with teachers integrating technology into their curricula.

2) Retrofitting

As indicated in the original SR response, funding for retrofitting is being provided under a \$27 million capital project budget, as referenced in Poughkeepsie's technology plan. A copy of a retrofitting budget and invoice for the electric and data cabling services supporting technology services for 2004 was included as Exhibit 6 of the original SR response. The following is a summary list of the directly applicable technology retrofitting items:

017	Data circuits	800.00
018-020	Data circuits and cabling	3,370.00
023-024	Data raceways	11,000.00
068-069	Electrical raceways	7,500.00
072-073	AC wiring	2,250.00
074-075	Electrical panels	4,100.00
080-081	Data receptacles	9,600.00
084-087	Data cabling and raceways	22,000.00
090-091	Data power	8,000.00
092-093	Data raceways	10,000.00
100-101	Data cabling	1,540.00
130-131	Data receptacles	<u>5,600.00</u>
		\$ 85,760.00

If this is not high enough to support the district's retrofitting commitment, we can provide similar budget numbers for 2003, and/or allocate a portion of the electrical fixtures, and/or overhead costs (testing, bonds, insurance, mobilization, supervision, and closeout).

3) Maintenance

Most network equipment including switches, wired and wireless routers, and a variety of servers, are no longer under warranty nor are they covered maintenance contracts. Maintenance is provided by in-house staff.

The district employs a Technology Director who is charged with overseeing all aspects of technology. More specifically, the district employs one Network Specialist, one Senior Microcomputer Technician, and two Microcomputer Technicians for existing equipment maintenance and new installations. The salaries for all technical staff are included in approved budget.

4) Budget

A copy of Poughkeepsie's budget for 2004-2005 was attached as Exhibit 5 of our original SR response. Please note that, although the budget is labeled as "proposed," the budget was approved by the voters on May 18, 2004 (the original SR response incorrectly gave this date as 2003) and is the final budget. A letter and board resolution to this effect is attached (Attachment #1).

5) Contracts

a) FRNs: 1211567-1211577

There are two groups of FRNs associated with Form 471 # 434655 — one set of seven associated with Open Systems Technologies, and one set of four associated with Microcomputer Office Connections.

Open Systems Technologies FRNs: 1211567–1211572 & 1211577

The equipment and services covered in these FRNs are all provided under New York State OGS master contracts. State contract designations are listed in the four summary pages with Attachment # 1 of the Form 471. Each attachment associated with the Open Systems Technologies FRNs includes an acceptance letter signed and dated by Poughkeepsie which, in itself under FY 2004 E-rate rules, also constitutes a contract.

Microcomputer Office Connections FRNs: 1211573–1211576

The contract letter, signed and dated by Poughkeepsie, and covering all Microcomputer Office Connections FRNs, is included with Attachment #7 of the Form 471. Individual quotes, included with Attachments #7–#10 are also countersigned by Poughkeepsie.

Please note that the contractual acceptance letters used by Poughkeepsie has been reviewed by the New York State Education Department and has been explicitly deemed to be a contract under State law. A generic form of this contract letter can be found on the NYSED-sponsored E-Rate Central Web site (see http://www.e-ratecentral.com/us/nys/resources/NYS_Vendor_Contract_Letter.asp).

The prices shown in the contracts match the pre-discount prices on all these FRNs.

b) FRNs: 1211467–1211468

The missing two pages of Appendix A of the Hudson Valley DataNet are attached (Attachment #2). Please note that although each is labeled "Appendix A—Page 2 of 3," the two pages are in fact different, representing the prices for the two services (5 Mbps WAN and 3 Mbps Internet access)

6) Bids

A list of all bids received was included as Table 1 in the initial Selective Review response. Copies of those bids are available as follows:

a) FRNs: 1211469–1211472

No new or actual bids were received for these telecommunications services, although existing tariff and month-to-month prices could be considered implicit "bids."

b) FRNs: 1211467–1211468

The only full bid was submitted in draft agreement form by Hudson Valley DataNet. A copy of that bid was provided in Exhibit 1 of the initial Selective Review response. As indicated in 5b above, the missing two pricing pages are attached.

As indicated in Exhibit 3 of the initial Selective Review response, BestWeb Corporation also submitted a bid for Internet service, but could not provide access at the required bandwidth.

c) FRN: 1211450

The only bid received was submitted in supplemental attachment form by NEC. A copy of that bid was provided in Exhibit 2 of the initial Selective Review response.

d) FRNs: 1211567–1211572 & 1211577

The only bids received were submitted in quotation form by Open Systems Technologies. Copies of these quotations are included in the associated attachments of Form 471 # 434655.

e) FRNs: 1211573–1211576

The only bids received were submitted in estimate form by Microcomputer Office Connections. Copies of these quotations are included in the associated attachments of Form 471 # 434655.

f) Other bids

As indicated in Exhibit 3 of the initial Selective Review response, several calls were received from Avaya proposing services that were neither requested nor required by Poughkeepsie.

7) Vendor Selection

FRNs: 1211467–1211468

As indicated in Exhibit 3 of the initial Selective Review response, and discussed above in 6b, only the Hudson Valley DataNet bid was deemed a cost-effective solution to Poughkeepsie's bandwidth requirements. BestWeb, which had initially proposed a lower bandwidth service, was unable to provide a bid for the higher speed access needed to support Poughkeepsie's video applications.

8) Consulting Agreement

A copy of the Tel/Logic (d.b.a. E-Rate Central) consulting agreement and fee quotation for Poughkeepsie, dated November 13, 2003, was provided as a part of the initial Selective Review response. Although the agreement included space for a formal counter-signature, Poughkeepsie's acceptance of this agreement was verbal. Poughkeepsie concurrence is implicitly reflected in the attached Letter of Agency (Attachment #3).

Note also, as was indicated in the initial Selective Review response, that the E-rate consulting services described in the agreement are provided under a New York State Office of General Services' contract for professional services as detailed at:

http://www.ogs.state.ny.us/asp/purchase/snt/consulting/CompanyDetail.asp?Customer_ID=411.

Library Media and Technology Services
Evan Panagiotopoulos, Director
70 Forbus Street, Poughkeepsie, New York 12603

February 2, 2005

The 2004-2005 budget was adopted exactly as proposed. Attached please find the May 18th, 2004, Board of Education minutes where the proposed budget was approved by the community.

Sincerely,



Evan Panagiotopoulos

Board of Education Minutes
Special Meeting - May 18, 2004

A Special Meeting of the Board of Education was held on Tuesday, May 18, 2004, at the Administration Building, 11 College Avenue, Poughkeepsie, New York.

CALL TO ORDER

Board Members Present: Susan Houston-Marks, President
Stanley F. Merritt, Vice-President
Thomas Jefferson
Ellen W. Staino
Carol A. Bogle

Ex-Officio Member Absent: Robert C. Watson, Sr.

Others Present: Karen Markeloff, Asst. Supt. for Instruction
Dr. Fern Aefsky, Asst. Supt. for Pupil Personnel
Maria L. McCabe, District Clerk

The Special Meeting was called to order at 9:35 p.m.

SPECIAL MEETING

**ANNUAL SCHOOL ELECTION AND BUDGET VOTE - CANVASS OF VOTE -
RESOLUTION #04-149**

Resolution and Declaration Tabulating and Canvassing the Return of the May 18, 2004 Annual School Election and Budget Vote and Declaration that:

Stanley F. Merritt has been duly elected a member of the Board of Education for a three year term, commencing July 1, 2004 and ending on June 30, 2007.

WHEREAS, an annual school election and budget vote were held on May 18, 2004 for the election of one member of the Board of Education of the City School District of the City of Poughkeepsie, New York, and the 2004-2005 vote on the school year budget.

WHEREAS, the Inspectors of Election in the several school election districts have duly counted and canvassed the votes in their respective districts, and have tallied and counted the votes cast for each candidate and the budget proposition, and the several inspectors of election, on the 18th day of May, 2004, have duly delivered to the Clerk of this Board of Education signed statements of the canvass of the votes in the several school election districts, setting forth, among other things, the total number of persons who voted, as shown on the public counter of each voting machine and by the said Inspectors' records and the number of blank votes cast, and the total

number of votes cast, and that the provisions of the law with respect to the use of voting machines were complied with; and

WHEREAS, the statements of the result of the said election and budget proposition votes, in several school election districts have been duly returned to this Board of Education, and the returns, as contained in said statements have been duly examined, tabulated and canvassed, and the number of votes cast for each candidate and the budget proposition in the several election districts, have been duly determined as attached to these minutes,

NOW, THEREFORE, THE SAID BOARD OF EDUCATION HEREBY DECLARES:

That as a result of the said canvass, Stanley F. Merritt received the highest number of votes cast for the office of member of the Board of Education of said School District, and is hereby duly elected a member of said Board of Education, for a three-year term commencing July 1, 2004 and ending on June 30, 2007 and it is

RESOLVED, that the Clerk of this Board of Education shall record the results of said election as hereby announced and declared, and the said Clerk shall, within twenty-four hours, serve written notice, either personally or by mail, upon said candidate notifying them of their election to said office as a member of this Board of Education as aforesaid.

BE IT FURTHER RESOLVED, that immediately upon the close of the polls, the Inspectors of Election proceeded to canvass the vote on the budget proposition and made the following determination:

Votes in favor of budget proposition: 485 _____

Votes against budget proposition: 297 _____

BE IT FURTHER RESOLVED that the Clerk of this Board shall record the results of this vote as hereby announced and declared.

MOTION to approve the resolution was moved by Mrs. Staino, seconded by Mrs. Bogle and carried.

Mr. Merritt thanked the voters of the City of Poughkeepsie for their vote of confidence.

RESOLUTION passes 5-0.

ADJOURNMENT

There being no further business it was moved by Mrs. Bogle, seconded by Mrs. Staino and carried to adjourn the Special Meeting at 9:47 p.m.

Maria L. McCabe, Clerk
Board of Education

Approved: _____

Customer Order No:	Sales Representative: John Sandfort
DataNet Contract Date:	DataNet Technical Contact: Robert Bridgham

Customer Information

Customer Name: Poughkeepsie City School District (PCSD)			
Address: 11 College Avenue, NY 12603-3313		City: Poughkeepsie	State: NY Zip: 12603-3313
Phone Number: 845 451 4792		Fax Number:	Email: epanagio@pcsd.k12.ny.us
Billing Information:			
Department:	Phone:	Fax:	
Billing Address: same	City:	State:	Zip:
	E-mail:		
Billing Contact Name: Ms. Star Dineo, Dist Treas	Email:	Phone: 451-4837	

Customer Contact: Mr. Evan Panageotopoulos			
Address: 70 Forbus Avenue		City: Poughkeepsie	State: NY Zip: 12601
Phone Number: 845-451-4792		Fax Number:	
Mobile:			
Email Address: espanagio@pcsd.k12.ny.us			

Service Type 5 Mb/s point-to-point WAN with 5 Mb/sec IP	
Requested In-Service Date: July 1, 2004	Term: five (5) years
DataNet POP Location A:	DataNet POP Location Z:
CLLI Code 1:	CLLI Code 2:
Name:	Name:
Address:	Address:
City & State:	City & State:
Hand-off-requirements:	Hand-off-requirements:

Monthly Recurring Charge: \$11,500.00 (does not include taxes or surcharges)
Non-Recurring Charge: Waived
Additional Comments:

Agreed to by Customer - By: <i>Evan Panageotopoulos</i>	Date: 7/25/04
Title: Technology Director	
Agreed to by DataNet - By:	Date:
Title:	

Agreed to by Customer - <i>[Signature]</i> Title: <i>[Signature]</i> Date: 6-12-03	Agreed to by DataNet - <i>[Signature]</i> Title: <i>[Signature]</i> Date: 6-16-03
Additional Comments:	
Monthly Recurring Charge: \$1,000.00	
Non-Recurring Charge: 0	

Service Type: Internet Access, 3 Mb	Requested In-Service Date: 6-1-03	Term: 3 years
DataNet POP Location A	City & State:	Address:
City & State:	Address:	Hand-off requirements:
City & State:	Address:	Hand-off requirements:

Customer Contact: Evan Paragiatopoulos	Address: High School, 70 Fordus St.	City: Poughkeepsie	State: NY	Zip: 12601
Phone Number: 451 4792	Fax Number:	Email Address: evan@technologyist.com		

Customer Name: Poughkeepsie City School District Board of Education	Address: 11 College Avenue	City: Poughkeepsie	State: NY	Zip: 12603-3313
Phone Number: (845) 451-1900	Fax Number: 451 4955	Email: evan@technologyist.com		
Billing Information: Jeffrey Baker, Business Manager, Cheryl Small, secretary	Phone: same	Fax: same	State: same	Zip: same
Department: Board of Education	City: same	State: same	Zip: same	Phone: same
Billing Address: same	City: same	State: same	Zip: same	Phone: same
Billing Contact Name: same	City: same	State: same	Zip: same	Phone: same

Customer Order No:	DataNet Contract Date: April 2, 2003
Sales Representative: John Sandfort	DataNet Technical Contact: Robert Bridgman

1F/1

Library Media and Technology Services
Evan Panagiotopoulos, Director
70 Forbus Street, Poughkeepsie, New York 12603

May 20, 2004

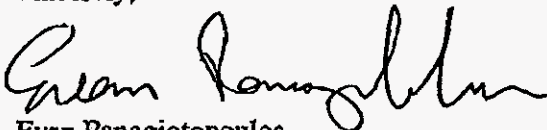
Schools and Libraries Division
2120 L Street, N.W., Suite 600
Washington, DC 20037

To whom it may concern:

This letter will confirm that we have engaged E-Rate Central to assist in our E-rate application and processing activities for the remainder of this year and for 2004-2005. To facilitate this assignment, we have authorized E-Rate Central personnel, including Bretton L. Himsworth and Winston E. Himsworth, to respond on our behalf to SLD/PIA requests relating to our FCC Forms 470, FCC Forms 471, and other E-rate forms and matters.

Please be advised that E-Rate Central does not provide us with any services that are eligible for E-rate discounts, nor does E-Rate Central have responsibility for our selection of vendors providing such services.

Sincerely,



Evan Panagiotopoulos
Library Media and Technology Director



Universal Service Administrative Company
Schools & Libraries Division

CASE SR-2004-124259

Date: January 12, 2005
To: Bretton Himsworth
Entity: Poughkeepsie City SD
Fax #: 516-832-2877
Sender: Yelena Seryakova
Phone: 973-581-6715
Fax: 973-599-6515
Subject: Funding year 2004 E-Rate

*** *** ***

This fax is a follow up to the information you provided in reference to the E-Rate Selective Review Information Request Funding Year 2004. Please provide the information requested by the close of business 01/19/05. If we do not receive the information by that date, your application will be reviewed based on the information we currently have, which may impact the approval of your application. If you need additional time to prepare your response, please let me know as soon as possible.

2P **1. Professional development:**

- Please provide a one-page summary of the resources and strategies you have for professional development addressing the questions listed below.
- Do you have a training staff? Who provides the training? Who receives the training and what are they trained on? Is a train-the-trainer mode of training used? Are there Education Service Agencies that provide training?

2P **2. Retrofitting:**

- Your investment in retrofitting appears low in relation to the level of network resources you are requesting.
- Have you already retrofitted your buildings for technology (prior to 2003)?
- If so, can you briefly document the dollar amount and/or the work done?
- Also please indicate if this is a relatively new school (past five years or so).
- If not, please provide a one-page summary of the resources and strategies you have available to retrofit you schools for technology.

 *** ACTIVITY MANAGEMENT REPORT TX ***

ST. TIME	CONNECTION TEL/ID	SENDER NAME	NO.	MODE	PGS.	RESULT
02/01 14:49	919735996522		1996	TRANSMIT ECM	2	OK 00'46
02/02 13:12	BELLMORE UFSD NY		1997	TRANSMIT G3	2	OK 02'01
	98266214					
02/02 13:27	92483282		1998	TRANSMIT ECM	1	OK 00'47
02/02 13:28	92483282		1999	TRANSMIT ECM	1	OK 00'37
02/02 13:52	919735996579		2000	TRANSMIT ECM	5	OK 01'53
02/02 14:05	918882768736		2001	TRANSMIT ECM	1	OK 00'35
02/02 16:32	919735996576		2002	TRANSMIT ECM	13	OK 06'32
02/02 17:34	919735996579		2003	TRANSMIT ECM	4	OK 01'42
02/03 09:17	917182975139		2004	TRANSMIT ECM	1	OK 00'16
02/03 10:41	WYNANTSKILL UFSD		2005	TRANSMIT ECM	10	OK 06'45
	915182833799					
02/03 12:23	919735996521		2006	TRANSMIT ECM	4	OK 02'19

 *** ACTIVITY MANAGEMENT REPORT RX ***

ST. TIME	CONNECTION TEL/ID	RX NAME	NO.	MODE	PGS.	RESULT
02/01 15:11	6766795		5458	AUTO RX ECM	2	OK 00'43
02/01 15:18	15162640970		5459	AUTO RX ECM	5	OK 02'08
02/01 15:22	5166099201		5460	AUTO RX ECM	1	OK 00'48
02/01 16:04	914 777 5201		5461	AUTO RX G3	2	OK 00'56
02/01 17:14			5462	AUTO RX ECM	2	OK 00'45
02/01 20:12			5463	AUTO RX G3	2	OK 01'27
02/02 06:27	8454514736		5464	AUTO RX ECM	1	OK 00'21
02/02 06:36	8454514736		5465	AUTO RX ECM	17	OK 05'01
02/02 06:49	8454514736		5466	AUTO RX ECM	29	OK 07'33
02/02 07:54			5467	AUTO RX ECM	3	OK 01'12
02/02 09:22			5468	AUTO RX ECM	4	OK 01'25
02/02 09:41			5469	AUTO RX ECM	2	OK 00'50
02/02 10:56	2		5470	AUTO RX ECM	1	OK 00'25
02/02 11:16	2		5471	AUTO RX ECM	1	OK 00'28
02/02 11:16			5472	AUTO RX ECM	8	OK 02'26
02/02 11:26	5166275648		5473	AUTO RX ECM	1	OK 00'57
02/02 15:39	8454514736		5474	AUTO RX ECM	4	OK 01'14
02/02 16:52	919 816 8402		5475	AUTO RX G3	2	OK 01'06
02/02 18:19			5476	AUTO RX ECM	2	OK 00'32
02/02 23:48			5477	AUTO RX ECM	1	OK 00'40
02/03 08:11			5478	AUTO RX ECM	2	OK 00'48
02/03 09:19	7084561573		5479	AUTO RX ECM	36	OK 09'51
02/03 09:29			5480	AUTO RX ECM	1	OK 00'31
02/03 12:16			5481	AUTO RX ECM	3	OK 01'09
02/03 12:45			5482	AUTO RX ECM	2	OK 00'46
02/03 13:28	+5167336584		5484	AUTO RX G3	2	OK 01'01
02/03 13:28	5183821166		5483	AUTO RX ECM	11	OK 04'12
02/03 14:21			5485	AUTO RX ECM	6	OK 02'13
02/03 15:39			5486	AUTO RX ECM	2	OK 01'04